

**IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

ARTIE DESPORTE

PLAINTIFF

VERSUS

CAUSE NO. 18-442(2)

SEAN DESPORTE

DEFENDANT

**EMERGENCY MOTION FOR CITATION OF CONTEMPT AND
OTHER RELIEF**

COMES NOW, the Defendant, Sean Desporte, by and through his attorneys of record, Wheeler & Wheeler, PLLC, and files this his Emergency Motion requesting the Court to find the Plaintiff, Artie Desporte, in contempt and for other relief in support thereof would show unto the Court the following, to-wit:

1. In prior Orders and status conferences with counsel for the parties, this Court directed the parties to continue the operation of the business with Artie Desporte running the retail portion and Sean Desporte running the wholesale operation, directed that each party provide the other with copies or digital photographs of all mail, checks, invoices and other business documents received in order to allow the proper running of the business. In addition the Court ordered that Sean Desporte would be provided with a key to the post office box.

2. Despite the Court's prior orders and directions, Artie Desporte refuses to provide Sean Desporte with copies of the checks he gets from the post office, checks he has written, and bank deposits he has made. Sean Desporte does not know which vendors remain unpaid and which wholesale customers have paid their invoices. These actions interfere with and hamper the wholesale operation.

3. In addition, since March 22, 2019, during the Lent season when the retail business is at its best, Artie Desporte has run the retail business sporadically, has opened the deli only two days, has closed the retail business without notice and has generally taken actions which harm the business and the reputation of Desporte and Sons, Inc. in the community. Artie Desporte continually tells customers and the public in general that Sean Desporte no longer works for Desporte and Sons, Inc. and has embezzled substantial sums of money from the business, all of which is untrue. Despite the Court's prior rulings and admonitions that the parties should continue to operate the wholesale and retail businesses respectively, Artie Desporte sent Sean Desporte a demand via text message on Sunday, April 7, 2019, a copy of which is attached as Exhibit "1", stating he would close the entire business unless Sean Desporte resumed operations at the business on terms that were not agreed nor specified by the Court, and Artie Desporte did in fact close the retail business on Monday, April 8, 2019, and posted a sign on the front door of the business stating it was closed until further notice. A copy of the posted sign is attached hereto as Exhibit "2". Counsel for Sean Desporte has received inquiries from a reporter from the Sun Herald concerning the closing of Desporte and Sons Seafood but has not responded and an article has appeared in Sun Herald online telling the general public the business has shut down. A copy of the article is attached hereto as Exhibit "3". Such rumors prompted by the actions of Artie Desporte only cause further harm to the business.

4. The actions of Artie Desporte in refusing to comply with the Court's prior Orders and direction and intentionally interfering with the wholesale operations and the business in general are causing immediate and irreparable injury and loss to the business and reputation of the business in the community, and no adequate remedy is available. Sean Desporte is willing to resume all operations of the business, wholesale and retail on the condition that Artie Desporte and Becky

Desporte are restrained from entering the business premises and interfering in the orderly operation of the business in order to protect the safety of the employees and himself. Without such action, the corporation will continue to suffer irreparable loss, injury and damage.

5. Defendant, Sean Desporte, requests this Honorable Court conduct a hearing in order to determine whether or not the Plaintiff, Artie Desporte, should be held in contempt for his intentional refusal to provide Sean Desporte with the financial information the Court previously directed to be supplied so the normal operation of the business can be done in a timely manner, and an order entered authorizing Sean Desporte to resume all retail and wholesale operations at the corporation's business location at the Division Street location with an accompanying restraining order prohibiting Artie Desporte and Becky Desporte from entering the premises of Desporte and Sons, Inc and/or interfering with the conduct of business of the corporation, from removing any mail from the business post office box, and directing Artie Desporte to deliver to Sean Desporte all financial information he has in his possession, including, but not limited to, all checks, invoices, payments received and demands for payment received.. Further, the Defendant, Sean Desporte, requests that this Honorable Court assess attorney fees, costs and expenses against the Plaintiff, Artie Desporte, for his contemptuous actions and intentional actions aimed at harming the business.

WHEREFORE, PREMISES CONSIDERED, the Defendant, Sean Desporte, requests this Honorable Court receive and file his Emergency Motion for Citation of Contempt and other relief and that upon a hearing hereon would be pleased to enter its order finding the Plaintiff, Artie Desporte, in contemptuous contempt of Court for refusing to comply with the Court's previous order and direction to the parties, entering an order authorizing Sean Desporte to resume all retail and wholesale operations at the corporation's business location at the Division Street location with an

accompanying restraining order prohibiting Artie Desporte and Becky Desporte from entering the premises of Desporte and Sons, Inc and/or interfering with the conduct of business of the corporation, from removing any mail from the business post office box, and directing Artie Desporte to deliver to Sean Desporte all financial information he has in his possession, including, but not limited to, all checks, invoices, payments received and demands for payment received, and awarding costs and expenses to the Defendant, Sean Desporte, including, but not limited to reasonable attorney fees in an amount to be determined by the Court.

Respectfully submitted,

SEAN DESPORTE, Defendant

By: Wheeler & Wheeler, PLLC,
Attorneys for the Defendant

BY: s/ David A. Wheeler
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CERTIFICATE

I hereby certify that on this day I electronically filed the foregoing pleading or other paper with the Clerk of the Court using the MEC system which sent notification of such filing to all counsel of record who have appeared in this action.

THIS the 12th day of April, 2019.

s/ David A. Wheeler
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